

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

INCREDIBLY EDIBLE DELITES, INC., and INCREDIBLE FRANCHISE CORPORATION,	:	
	:	
	:	
Plaintiffs,	:	
	:	
vs.	:	Civil Action No.:02-CV-4021
	:	
EDIBLE ARRANGEMENTS, LLC, and	:	
EDIBLE ARRANGEMENTS FRANCHISE GROUP	:	
	:	
Defendants.	:	
	:	

PLAINTIFFS MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs, Incredibly Edible Delites, Inc. and Incredible Franchise Corporation (hereinafter collectively "Incredibly Edible"), by and through their undersigned counsel, hereby move this Court for an Order, pursuant to Fed.R.Civ.P. 65(a), enjoining defendants Edible Arrangements, LLC and Edible Arrangements Franchise Group (collectively "Edible Arrangements") from infringing Incredibly Edible's FRUITFLOWERS marks (including the marks FRUIT FLOWERS, FRUITFLOWERS.COM and FRUITFLOWERS) and INCREDIBLY EDIBLE marks (including the marks INCREDIBLY EDIBLE DELITES and the mark INCREDIBLY EDIBLE DELITES, INC. EDIBLE FLORAL CREATIONS and design) under 15 U.S.C. § 1125(a) and under Pennsylvania s common law, and, its registered mark, INCREDIBLY EDIBLE DELITES, INC. EDIBLE FLORAL CREATIONS and design under 15 U.S.C. § 1114; violating the Anti-Cybersquatting Act, 15 U.S.C. § 1125(d);

diluting Incredibly Edible s FRUITFLOWERS marks and INCREDIBLE EDIBLE marks, under 15 U.S.C. § 1125(c) and under Pennsylvania s Anti-Dilution Statute, 54 Pa.Cons.Stat. § 1124; and unfairly competing with Incredibly Edible under Pennsylvania s common law, until a final hearing and determination of the merits in the above-entitled action.

Unless and until defendants are restrained and enjoined by Order of this Court, Incredibly Edible will suffer immediate and irreparable harm, injury, loss and damage, as described more fully in the Complaint, accompanying memorandum of law, and accompanying declaration. Incredibly Edible has no adequate remedy at law.

Prior to the issuance of the annexed Order, Incredibly Edible is ready, willing and able to execute a bond payable to the clerk of court as security, or provide other security in such sum as this Court deems proper for such costs and damages, if any, as may be incurred or suffered by any party found to have been wrongfully enjoined or restrained.

WHEREFOR, Incredibly Edible respectfully request that this Court enter the annexed Order.

Respectfully submitted,

HARDING, EARLEY, FOLLMER & FRAILEY

Date: _____

By: _____
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